

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:18-CR-182-PLR-DCP
)	
FRANK MELVIN CHE-ADKINS, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court for a motion hearing on January 8, 2019, on Defendant Che-Adkins's Motion for Trial Continuance [Doc. 46], filed on December 14, 2018, Defendant Demetrius Lloyd's Motion to Adopt Co-Defendant's Motion to Continue Trial Date and Deadlines [Doc. 58], and Defendant Melissa Russell's Motion to Continue Trial [Doc. 60].

Assistant United States Attorney Tracy Stone appeared on behalf of the Government. The following defense counsel represented the Defendants: Attorney Michael Cabage for Defendant Che-Adkins; Assistant Federal Defender Benjamin Sharp for Defendant Russell; and Attorney Gerald Gulley, Jr., for Defendant Lloyd. Defendants Che-Adkins, Russell, and Lloyd were present.¹

The motion requests that the January 15, 2019 trial date be continued, and all other

¹ Defendant Heather Hall was also present at the motion hearing, although she will be entering a change of plea in this case. Her counsel was excused from the hearing, because Defendant Hall has no pending pretrial motions and is no longer proceeding to trial.

deadlines be extended, to allow defense counsel time to review discovery, confer with the Defendant, and prepare the case for trial. During the hearing, Attorney Cabage explained that he was still in the process of reviewing discovery in this case, as he was only recently appointed to represent Defendant Che-Adkins on December 6, 2018. Attorney Gulley and Assistant Federal Defender Sharp explained that they sought to continue the trial date on the same basis—that more time was needed to properly review the discovery. The Government stated it had no objection to a continuance and confirmed that there was still one remaining defendant, who had yet to appear in this case. The parties then agreed on a new trial date of July 30, 2019.

The Court finds the motion to continue to be well taken and unopposed by the Government. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of Defendants and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Specifically, the Court finds that defense counsel need additional time to review discovery, to file and litigate pretrial motions, to interview witnesses, and to prepare the case for trial. Thus, the Court finds that the failure to grant a continuance would deprive defense counsel of the reasonable time necessary to prepare for trial despite the exercise of due diligence. *See* § 3161(h)(7)(B)(iv).

Accordingly, Defendant Che-Adkins's Motion to Continue [Doc. 46] is **GRANTED**. Additionally, Defendant Lloyd's Motion to Adopt [Doc. 58] and Defendant Russell's Motion to Continue [Doc. 60] are **GRANTED**. The trial of this matter is reset to **July 30, 2019**. The Court also finds that all the time between the filing of the instant motion on December 14, 2018, and the new trial date of July 30, 2019, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D), -(1)(H), & -(7)(A)-(B).

With regard to further scheduling in this case, pretrial motions are due on or before **March 1, 2019**, with responses due by **March 15, 2019**. The parties are to appear before the undersigned

for a motion hearing on all pending pretrial motions on **March 28, 2019, at 10:00 a.m.** The deadline for concluding plea negotiations is **July 8, 2019**. In addition, the Court instructs the parties that all motions *in limine* must be filed no later than **July 15, 2019**. Finally, special requests for jury instructions shall be submitted to the District Judge no later than **July 19, 2019** and shall be supported by citations to authority pursuant to Local Rule 7.4. Furthermore, the parties are to appear before the undersigned for a pretrial conference on **July 23, 2019 at 10:00 a.m.**

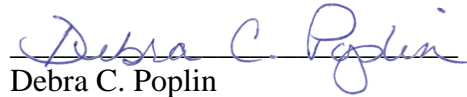
Accordingly, it is **ORDERED**:

- (1) Defendant Che-Adkins's Motion to Continue Trial Date and Deadlines [**Doc. 46**] is **GRANTED**;
- (2) Defendant Lloyd's Motion to Adopt [**Doc. 58**] and Defendant Russell's Motion to Continue [**Doc. 60**], are **GRANTED**;
- (3) The trial of this matter is reset to commence on **July 30, 2019, at 9:00 a.m.**, before the Honorable Pamela L. Reeves, United States District Judge;
- (4) All time between the filing of the instant motion on **December 14, 2018**, and the new trial date of **July 30, 2019**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (5) Pretrial motions are due on or before **March 1, 2019**, and responses are due by **March 15, 2019**;
- (6) The parties are to appear before the undersigned for a motion hearing on all pending pretrial motions on **March 28, 2019, at 10:00 a.m.**;
- (7) The parties have until **July 8, 2019**, to conclude plea negotiations;
- (8) Motions *in limine* must be filed no later than **July 15, 2019**;
- (9) Special requests for jury instructions with appropriate citations shall be submitted to the District Court by **July 19, 2019**; and

(10) The parties are to appear before the undersigned on **July 23, 2019, at 10:00 a.m.**, for a pretrial conference.

IT IS SO ORDERED.

ENTER:

A handwritten signature in blue ink, reading "Debra C. Poplin", is written over a horizontal line.

Debra C. Poplin
United States Magistrate Judge